

PLANNING COMMISSION MINUTES

June 16, 2009

7:00 P.M.

Present: Chairman Clark Jenkins, Vice-Chairman Tom Smith, Michael Allen, Dave Badham, Ray Keller, City Prosecutor J.C. Ynchausti, City Engineer Paul Rowland, Planning Director Aric Jensen, Youth Council Representative Hannah Broom, and Recording Secretary Connie Feil.

Absent: City Council Representative Beth Holbrook and Barbara Holt.

Clark Jenkins welcomed all those present.

Tom Smith made a motion to approve the minutes for June 2, 2009 as written. Dave Badham seconded the motion and voting was unanimous in favor.

1. Consider an amended sign plan revision for Silver Creek Commercial Complex located at 500 N. 500 W., Jeremy Terry, applicant.

Jeremy Terry, applicant, was present. Aric Jensen explained that the applicants are requesting sign plan approval for the Silvercreek Commercial center. The applicants are proposing two identical pole signs – one on 500 West and one on 400 North. The signs are approximately 25 feet high, 10 feet wide, with a sign area of 120 sq. ft (the maximum allowed). There is sufficient landscaping area along 400 North to meet the minimum setback and clear view requirements; however, it will need to be moved slightly to the east so that no part of the sign overhangs the driveway. Regarding the 500 West sign, the applicants will have to lose a parking space in order to meet the minimum setback and clear view requirements. This is of little consequence since the development has 157 stalls, and our minimum requirement is 137.

The proposal meets all codes and ordinances. Staff recommends granting the sign plan approval for the Silver Creek Commercial Center with the following conditions:

1. The sign along 400 North shall be moved eastward such that no part of it overhangs the driveway/parking area or the minimum 5 foot setback along the property line.
2. One parking stall be removed adjacent to the 500 West entrance such that no part of the proposed sign overhangs the driveway/parking area or the minimum 5 foot setback along the property line.

After a brief discussion Michael Allen made a motion to approve the amended sign revision for Silver Creek Commercial Complex subject to the conditions outlined by Staff. Tom Smith seconded the motion and voting was unanimous in favor.

Clark Jenkins welcomed and introduced the Youth Council Representative Hannah Broom.

2. Continued from 6-2-2009 - Consider granting a variance to allow a drive access wider than the maximum allowed and to allow less than 50% landscaping in a front yard setback located at 320 S. 750 E., Scott Jones, applicant.

Scott Jones, applicant, was present. Paul Rowland explained that the Planning Commission continued this item from the June 2nd meeting with instructions for staff to draft a plan that would maximize the landscaping and minimize the need for a variance. Before Mr. Jensen and staff put together four variations to include two separate drive approaches with as much space as possible between them, staff met with Mr. Jones at his home and took field measurements. The proposed plans include a 23' wide drive approach in front of the 3-car garage (the width of the unstamped concrete), and a 12' wide drive approach for the detached garage (City minimum width), located as far to the west as possible. Mr. Rowland prefers proposal #2 or #4.

Scott Jones prepared his own proposal which would combine the two drive approaches into one. He prefers one approach at 35' rather than two separate ones. His proposal was rejected so Mr. Jones prefers to use #1 or #3 of staffs proposals.

There was a lengthy discussion regarding the pro's and con's of each proposal. The Commission Members expressed their opinions and all preferred to grant a variance using proposal #2. The applicant prefers using #3.

Dave Badham made a motion to grant a variance to allow two drive accesses closer than the minimum separation and to allow less than 50% landscaping in the front yard setback at 320 S. 750 E. The variance is based on the applicant choosing proposal #2 or #3, the landscaping being done as shown on the drawings, and to follow all recommendations by Staff. Ray Keller seconded the motion and voting was unanimous in favor.

Clark Jenkins explained to those present the procedure for holding a public hearing.

Paul Rowland excused himself from the meeting at 7:35 p.m. at the same time Councilman John Marc Knight joined the meeting.

3. PUBLIC HEARING - Consider granting a variance to allow building in the rear yard setback located at 1891 S. Browns Park Dr., David & Robyn Beck, applicants.

David & Robyn Beck, applicants, were present. Aric Jensen explained that David and Robyn Beck are requesting a variance from the rear yard setback requirements of the Bountiful City Land Use Ordinance in order to construct an addition onto their existing home. The subject property is an existing, platted, corner lot. Both the subject property and the adjacent property to the north have addresses on Browns Park Dr., however the access to the properties are off of Sundance Circle and Cassidy Circle. The reason for this is that there is approximately an elevation difference of approximately 10 feet between the main level of the homes and Brown's Park Drive. The basis of the applicant's request is that the physical constraints of the lot are

justification for a variance.

Mr. Jensen continued to explain that about 10 years ago the applicants built an addition on the rear of their home. This addition was built by a licensed contractor but without a building permit and was constructed into the rear setback by 4 feet. The applicants did not know that the addition was built in the rear setback until a building permit was submitted for the current addition. The applicants are proposing to keep the existing rear setback, made by the previous addition, and expand that addition to the north and south.

A letter was given to the Commission Members from Keith Bennett, the architect assisting the Beck's with their proposed addition. The main points of his letter deal with the change in elevation and the nominal impact the proposed addition. Three letters and a petition signed by several neighbors in support of the variance was also given to the Commission Members.

Mr. Jensen referred to the Utah Code 10-91-702, which outlines the duties of the appeal authority in relation to variances. The procedures for granting a variance are quite rigid. One of the requirements is that an approval authority must determine that a proposed variance request meets all of the provisions of the Code, or else it cannot grant a variance. The issue is whether or not the Beck's desire to construct an addition to their home that encroaches four feet into the rear yard setback is justified by the physical constraints of the property. Are the applicants deprived a reasonable use of their property because of the slope/configuration of their parcel? Considering that there is an existing dwelling on the property, the answer is probably no. Are the applicants more restricted with what they can do with their property than people that own flatter lots in other parts of town? Arguably yes. However, based on the provisions of the State Code, the Commission needs to decide whether or not this particular property has physical conditions different from other properties in the general vicinity such that a variance is needed to enjoy a substantial benefit enjoyed by other properties.

Staff recommends denial of the proposed variance for a reduced rear yard setback at 1891 S. Browns Park Dr., with the finding that there is an existing dwelling on the property, and as such literal enforcement of the Ordinance would not cause an unreasonable hardship. If the Commission disagrees with the staff recommendation and feels that a variance is justified, the findings listed in the attached letter are a reasonable basis for justifying that decision.

David Beck explained that the home is small for their existing family and would like to expand the kitchen and family room. There will not be an impact on any of the surrounding homes and the addition will not be seen from the street.

Aaron Winegar, representation the Beck family, was present. Mr. Winegar explained that to grant a variance, based on the letter of the law, this request does not qualify. The applicants feel that there are special circumstances based on the circumstances with the slope of the lot and the previous addition so a variance is warranted. This is a very small addition and will not exceed the maximum amount of building on a lot, the addition is screened from the street, and meets all

the setbacks on the lot, minus the existing addition of 4 feet. This addition will not impact any of the surrounding neighbors, in fact all neighbors are in favor of the variance.

The public hearing was opened for all those with comments and concerns.

Melonie Evans, residing at 1987 S. Browns Park Dr., was present. Ms. Evans explained that she is representing the neighborhood and all those who signed the petition in favor of the variance. Ms. Evans explained that the addition will not be seen by any resident in the neighborhood and it will not affect anyone. The neighborhood is in favor of the variance and asked that it be granted.

The public hearing was closed without further comments.

There was a discussion between the Commission Members and the applicants. After the discussion the Commission felt that there will not be an impact on the neighborhood and will create a better living space for the Beck family.

Ray Keller made a motion to grant a variance for a reduced rear yard setback at 1891 S. Browns Park Dr. and to allow construction as shown in the staff report based on the finding from the letter submitted by Keith Bennett, Architect, for the Beck's. Tom Smith seconded the motion and voting was unanimous in favor.

J.C. Ynchausti and Michael Allen excused themselves from the meeting at 7:50 pm

4. Planning Director's report and miscellaneous business.

Aric Jensen explained that Sam Klemm from WFRC would like to present a presentation titled "Wasatch Choices 2040 - A Four County Land-Use and Transportation Vision."

Sam Klemm handed out pamphlets to all those present and explained to the Planning Commission the advantages of implementing the Wasatch Choices 2040 Vision and Growth Principles. The main topics were as follows:

Growth Principles and Objectives

- Provide public infrastructure that is efficient and adequately maintained.
- Provide regional mobility through a variety of interconnected transportation choices.
- Integrate local land-use with regional transportation systems.
- Provide housing for people in all life stages and incomes.
- Ensure public health & safety.
- Enhance the regional economy.
- Promote regional collaboration.
- Strengthen sense of community.
- Protect and enhance the environment.

There was a discussion among all those present. Mr. Kleem was thanked for his time and the presentation.

Meeting adjourned at 8:15 pm